

## The Family and Medical Leave Act (FMLA)

This notice is provided to assist you in understanding and using your Family and Medical Leave Act (FMLA) benefits. Please note that for specific questions regarding your Center's FMLA process, you should contact your Servicing Human Resources (HR) Office. This notice is for National Aeronautics and Space Administration (NASA) employees.

### Entitlement:

Under FMLA, most NASA employees are entitled to up to 12 weeks of unpaid leave during any 12-month period for the following purposes:

- The birth of a child of the employee and the care of such child.
- The placement of a child with the employee for adoption or foster care.
- The care of spouse, child, or parent of the employee who has a serious health condition.
- A serious health condition of the employee that makes the employee unable to perform the essential functions of the position.
- Any qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

In most cases, FMLA does not apply to employees who have completed less than 12 months of service, are in temporary positions limited to 1 year or less, or are in intermittent positions.

**Important:** The National Defense Authorization Act provides up to 12 weeks of paid parental leave in connection with the birth, adoption, or foster care placement of a child occurring on or after October 1, 2020. Additional guidance on the paid parental leave program can be found in the [Federal Employee Parental Leave Act \(FEPLA\) Overview of Paid Parental Leave](#) and the [Paid Parental Leave Frequently Asked Questions \(FAQs\)](#).

### Entitlement Relating to Family Member's Military Service:

FMLA also provides up to 26 weeks of unpaid leave in any 12-month period for employees who must care for a family member who incurred a serious injury or illness related to active duty military service. Details regarding this entitlement and about FMLA leave for qualifying exigencies relating to a family member's military service can be found in the Office of Personnel Management (OPM) Memo [CPM 2010-06, Recent Changes to the Family and Medical Leave Act](#). You may also locate this memo by visiting: <http://www.chcoc.gov/transmittals>. From the **Year** drop-down menu, choose the **2010** option, then click the **Apply** button. Locate the **Reference ID** column heading, scroll down the page, and select the link associated with the **CPM 2010-06** Reference ID.

## **Intermittent and Other Use of Leave:**

Under certain conditions, an employee may use FMLA leave intermittently. An employee may elect to substitute accrued leave, consistent with current laws and regulations, for any unpaid leave under FMLA. (The amount of sick leave that may be used to care for a family member is limited – refer to the OPM guidance regarding [Sick Leave to Care for a Family Member with a Serious Health Condition](#).) You may also locate the OPM guidance by using the following:

1. Visit <http://www.opm.gov>.
2. Click the **Policy** tab at the top of the page.
3. Scroll down, and click the **Pay & Leave** link on the left side of the page.
4. Click the **Leave Administration** link on the left side of the page.
5. Click the **Fact Sheets** tab.
6. Click the **Sick Leave to Care for a Family Member with a Serious Health Condition** link.

Unpaid FMLA leave is in addition to other paid time off available to an employee.

## **Definitions of Terms Relating to FMLA:**

The definitions of the terms “son” and “daughter” in FMLA regulations provide that employees with day-to-day responsibilities to care for or provide financial support for a child, even if they do not have a biological or legal relationship to the child, may be eligible for leave under FMLA. Examples might include a stepparent, a domestic partner of a child’s biological parent, or a grandparent. For further information, refer to the OPM Memo [CPM 2010-15, Interpretation of “Son or Daughter” Under the Family and Medical Leave Act](#).

The term “spouse” is defined as a partner in any legally recognized marriage, regardless of the employee’s state of residency. For further information, refer to the OPM Memo [CPM 2013-14, Family and Medical Leave Act \(FMLA\) Coverage of Same-Sex Spouses](#).

You may also locate these OPM memos by visiting: <http://www.chcoc.gov/transmittals>. From the **Year** drop-down menu, choose the **2010** or **2013** option, then click the **Apply** button. Locate the **Reference ID** column heading, scroll down the page, and select the desired link.

## **Job Benefits and Protection:**

- Upon return from FMLA leave, an employee must be returned to the same position or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.
- An employee who takes FMLA leave is entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work.

### **Advance Notice Requirements and Medical Certification:**

- An employee must provide notice of an intent to take FMLA leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.
- Medical certification may be required from an employee who requests FMLA. Periodic reports of an employee's status and intent to return to work may be requested. Medical information provided is protected and subject to the confidentiality provisions of the Privacy Act.

### **Related Links:**

- NASA Procedural Requirements (NPR) 3600.1, Attendance and Leave: [http://nodis3.gsfc.nasa.gov/main lib.html](http://nodis3.gsfc.nasa.gov/main_lib.html). Click the **3000-3999 Human Resources and Personnel** link. Then click the **NPR 3600.1** link.
- OPM Leave Administration Web page: <https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/>.

For questions concerning this notice, contact:  
**NASA Shared Services Center (NSSC) Customer Contact Center**  
1-877-677-2123 (1-877-NSSC123) or [nssc-contactcenter@nasa.gov](mailto:nssc-contactcenter@nasa.gov)